

**Congress of the United States**  
**Washington, DC 20515**

November 25, 2002

The Honorable Spencer Abraham  
Secretary  
Department of Energy  
1000 Independence Ave, SW  
Washington, D.C. 20585

Dear Mr. Secretary:

I am writing to express my opposition to the Department of Energy's plan to build the Modern Pit Facility. According to the "Modern Pit Facility (MPF) Fact Sheet" released by your Department, this facility would allow the manufacture, per year, of no less than 125 plutonium "pits" for use in nuclear weapons. I believe that the decision to proceed with the construction of this facility is premature at best, since there is no compelling need for it. Moreover, since the construction of this facility would increase the number of bomb-ready plutonium pits available for nuclear weapons, it sends precisely the wrong message about the commitment of the United States to nuclear non-proliferation.

In a recent speech<sup>1</sup> you said, "The Bush Administration is fully committed to ... secure and reduce nuclear and radiological materials." In that same speech, you also said, "The total amount of this [nuclear] material needs to be brought down ... so that it can no longer be used for nuclear weapons." Unfortunately, that statement seems to be in direct contradiction with the Department's stated rationale for the MPF. In a press release dated September 20, 2002, announcing the Supplemental Programmatic EIS for the MPF, the Department said, "The ability to produce pits is important to ensure the viability of the nation's nuclear deterrent." If the Administration is truly committed to reducing stockpiles of nuclear materials, we should not be preparing to construct a new facility for the production of more plutonium pits for nuclear warheads.

The DOE statement in the Notice of Intent that "the United States is the only nuclear power without the capability to manufacture a plutonium pit" appears to be inaccurate or misleading. John Brown, Director of Los Alamos National Laboratory (LANL), testified<sup>2</sup>, "We are well along in establishing a limited manufacturing capacity for pits. Eleven developmental units have been produced to date. We are on schedule to deliver a certifiable ... pit, defined as one that meets all manufacturing requirements and

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<sup>1</sup> "Ten Principles for Nuclear and Radiological Materials Security," Remarks by Energy Secretary Abraham to the Carnegie Endowment for International Peace, International Non-Proliferation Conference, November 14, 2002.

<sup>2</sup> Written Statement submitted to the Strategic Forces Subcommittee of the Senate Armed Services Committee, April 10, 2002.

specifications, by April 2003.” This statement suggests that the United States *will* soon have the ability to manufacture pits without proceeding with the MPF. Further, the proposed facility would come online at a time when the number of deployed warheads is projected to be so low that the planned pit production rate would be high enough to replace the entire stockpile in three or four years<sup>3</sup>. In other words, the United States has already committed to reducing its arsenal, and already has the capability to maintain production, albeit on a smaller scale. Why, then, does the United States need a new, large, costly, potentially destabilizing facility?

Moreover, the United States has 10,650 intact nuclear warheads stockpiled, an additional 5,000 pits as part of a strategic reserve, and another 7,000 pits left over from dismantled warheads. Given the current goal of reducing our arsenal down to 3,800 deployed warheads by 2007 and 1,700 to 2,200 deployed warheads by 2012<sup>4</sup>, it would seem that the current stockpile is sufficient to meet our national security needs. As LANL Director Brown said<sup>5</sup>, “The five Los Alamos designed weapons in the US nuclear stockpile remain safe and reliable.” This is reiterated in the DOE Notice of Intent<sup>6</sup> to build the pit facility, which states that “no ... systemic problems ... in an existing pit ... have been identified”. Moreover, LANL has recently begun experiments<sup>7</sup> to “determine if the nation’s stockpile pits will last at least sixty years.” The prudent course of action would be to postpone the construction decision for at least four years until the results of this study are known rather than deciding to spend \$2-4 billion on a facility that may never be needed. Given your own statements regarding the need to *decrease* the amount of fissile material in existence, no compelling reasons yet exist to build a facility to *increase* the amount of fissile material.

In addition to my questions related to the need for such a facility, I have very serious concerns related to the nonproliferation consequences of constructing such a facility. Article VI of the Nuclear Non-proliferation Treaty (NPT), which the United States signed on July 1, 1968 and ratified on March 5, 1970, states

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

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<sup>3</sup> During a press briefing on October 28 in North Augusta, South Carolina, NNSA officials stated the production capabilities of the proposed facility would be 450 or more pits per year.

<sup>4</sup> Announced by President Bush on November 13, 2001, in a joint press conference with Russian President Vladimir Putin.

<sup>5</sup> Written Statement submitted to the Strategic Forces Subcommittee of the Senate Armed Services Committee, April 10, 2002.

<sup>6</sup> National Nuclear Security Administration Notice of Intent to Prepare a Supplemental Programmatic Environmental Impact Statement on Stockpile Stewardship and Management for a Modern Pit Facility, September 23, 2002.

<sup>7</sup> “Researchers cast first ‘spiked’ plutonium alloy,” The Actinide Research Quarterly, 2<sup>nd</sup> Quarter, 2002. These experiments involve increasing the amount of plutonium-238 in a given sample to simulate sixty years of decay in four years.

Article VI is quite clear: we must proceed to disarmament. Many steps towards that goal have been taken, including the decommissioning of nuclear weapons, the elimination of many hundreds of heavy bombers and missile launchers, the de-alerting of strategic bombers, the cancellation of several modernization programs and the removal of several hundred metric tons of fissile material from the nuclear stockpile. The construction of a facility to manufacture new pits, possibly for use in newly designed weapons, would reverse that course, and, instead, lead to increased armament by the United States.

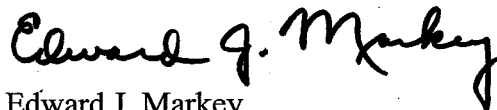
At a time when we are preparing to go to war with Iraq to prevent the spread of nuclear weapons, when we are struggling with North Korea's announcement of its nuclear weapons program, when we are helping Russia and other states of the Former Soviet Union reduce the quantity of nuclear weapons in their own countries, it is recklessly irresponsible for the United States to ignore its own nonproliferation obligations and choose instead to increase the amount of weapons-ready fissile material. The only reasonable path is the "no-action alternative" in which no new facilities will be built.

I request your assistance and cooperation in providing answers to the following questions:

1. How long does it take to replace the existing stockpile of nuclear warheads with existing, or soon to be completed, facilities? How often does the stockpile need to be replaced? Can either of these questions be answered honestly, prior to the completion of the current experiments at Los Alamos?
2. What affect will this facility have on the nonproliferation agreements signed by the United States?

Thank you very much for your timely attention to this important matter. Should you have any questions regarding this request, please have your staff contact Dr. Benn Tannenbaum at (202) 225-2836.

Sincerely,



Edward J. Markey  
Member of Congress

cc: James Rose